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9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 OAKLAND DIVISION

12 EPIC GAMES, INC.,

13 Plaintiff, Counter-defendant,  
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15 vs.

16 APPLE INC.,

17 Defendant, Counterclaimant.  
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Case No. 4:20-CV-05640-YGR-TSH

**DECLARATION OF ANDREW ROPE  
IN SUPPORT OF SEALING PORTIONS  
PROPOSED TRIAL EXHIBITS**

The Honorable Yvonne Gonzalez Rogers

Trial: May 3, 2021

1 I, Andrew Rope, declare as follows:

2 1. I am currently a Senior Legal Project Manager for non-party Google, LLC. I have  
3 been employed by Google since February 2018 and have held my current position since July  
4 2019. Over the course of my employment at Google, I have acquired personal knowledge of  
5 Google's practices and procedures concerning the maintenance of the confidentiality of its  
6 strategic, business, and marketing information.

7 2. I submit this declaration in support of sealing portions of certain documents  
8 produced by Google pursuant to a third-party subpoena that Apple Inc. has indicated it intends to  
9 introduce at the trial of this matter, and one document produced by Apple that contains  
10 confidential Google information which Apple has indicated Epic Games intends to introduce at  
11 the trial.

12 3. The contents of this declaration are true and correct to the best of my knowledge,  
13 information and belief, and are based on my personal knowledge of Google's policies and  
14 practices as they relate to the treatment of confidential information, the materials that were  
15 provided to me and reviewed by me, or conversations with other knowledgeable employees of  
16 Google. If called upon as a witness in this action, I could and would testify competently thereto.

17 4. Google follows a strict practice that requires confidential treatment of all internal  
18 business analyses of consumer spending and revenue, market conditions and opportunities, future  
19 strategic business plans, security risks, and potential growth opportunities. In my experience and  
20 to the best of my knowledge, Google does not disclose internal documents of this nature outside  
21 of the company.

22 5. The disclosure of Google's confidential internal business analyses, pricing and  
23 valuation analyses, strategies and decision-making plans could significantly harm Google's  
24 relationships and ability to conduct business with counterparties and prospective counterparties,  
25 and could place it at a disadvantage with competitors who could use Google's confidential  
26 analyses to their advantage in competition with Google. These materials therefore have economic  
27 value from not being generally known to Google's competitors, counterparties, or the general  
28 public.

6. To the best of my knowledge, the following information in the trial exhibits proposed by Apple and Epic, which are confidential materials Google produced in response to a third-party subpoena and one document produced by Apple that contains confidential Google information, contain sensitive and confidential Google information that Google has both good cause and compelling reasons to seal.

**SPECIFIC PROPOSED TRIAL EXHIBITS**

**DX-4172, DX-4910 (duplicate of DX-4172), DX-5325 (duplicate of DX-4172)  
(EXHIBIT A)**

7. These documents contain information regarding Google's internal analyses of consumer spending and revenue, future strategic business plans, and potential growth opportunities. If revealed to competitors and potential business counter-parties, they could use this non-public and confidential information to disadvantage Google in marketing, in negotiations, and competing strategic decision-making. I have identified and proposed the following specific limited redactions only as to those portions of the documents that contain such sensitive and confidential information leaving the remainder unredacted:

- GOOG-APPL-00125069: highlighted portions
- GOOG-APPL-00125071: highlighted portions
- GOOG-APPL-00125075: highlighted portions
- GOOG-APPL-00125084-088: highlighted portions
- GOOG-APPL-00125090: highlighted portions
- GOOG-APPL-00125092-093: highlighted portions
- GOOG-APPL-00125095: highlighted portions

**DX-3558  
(EXHIBIT B)**

8. This document contains information regarding Google's internal analyses of future strategic business and product development plans, strategic partnerships with third parties in implementing future business plans, actual or projected revenue from business plans, internal competitive assessments, and internal assessment of team management issues. If revealed to

competitors and potential business counter-parties, they could use this non-public and confidential information to disadvantage Google in marketing, in negotiations, and competing strategic decision-making. I have identified and proposed the following specific limited redactions only as to those portions of the document that contains such sensitive and confidential information leaving the remainder unredacted:

- GOOG-APPL-00044923: highlighted portions
- GOOG-APPL-00044925 - 00044926: highlighted portions
- GOOG-APPL-00044929 - 00044934: highlighted portions
- GOOG-APPL-00044936 - 00044952: highlighted portions
- GOOG-APPL-00044954: highlighted portions
- GOOG-APPL-00044956 - 00044958: highlighted portions
- GOOG-APPL-00044962: highlighted portions
- GOOG-APPL-00044964 - 00044970: highlighted portions
- GOOG-APPL-00044973 - 00044975: highlighted portions
- GOOG-APPL-00044977: highlighted portions
- GOOG-APPL-00044979: highlighted portions

**DX-4303  
(EXHIBIT C)**

9. This document contains information regarding Google's revenue figures, future business plans and products with developers, strategic partnerships with third parties in implementing future business plans, actual and/or projected revenue from business plans, internal competitive assessments, and internal assessment of team management issues. If revealed to competitors and potential business counter-parties, they could use this non-public and confidential information to disadvantage Google in marketing, in negotiations, and competing strategic decision-making. I have identified and proposed the following specific limited redactions only as to those portions of the document that contains such sensitive and confidential information leaving the remainder unredacted:

- GOOG-APPL-00005399: highlighted portions
- GOOG-APPL-00005411 - 00005419: highlighted portions
- GOOG-APPL-00005422: highlighted portions
- GOOG-APPL-00005425 - GOOG-APPL-00005440: highlighted portions
- GOOG-APPL-00005444 - 00005445: highlighted portions
- GOOG-APPL-00005447 - 00005448: highlighted portions
- GOOG-APPL-00005456: highlighted portions
- GOOG-APPL-00005458 - 00005459: highlighted portions

**DX-4522**  
**(EXHIBIT D)**

10. This document contains information regarding Google's internal assessment of strategic value for business counterparties and future strategic business plans. If revealed to competitors and potential business counter-parties, they could use this non-public and confidential information to disadvantage Google in negotiations. I have identified and proposed the following specific limited redactions only as to those portions of the document that contains such sensitive and confidential information leaving the remainder unredacted:

- GOOG-APPL-00042477: highlighted portions
- GOOG-APPL-00042482: highlighted portions

**DX-3913**  
**(EXHIBIT E)**

11. This document contains information regarding Google's financials and sensitive information, strategic considerations related to certain projects, including financials and metrics, monetization information, future strategy and pilot partners, and descriptions of Google's internal processes and policies. If revealed to competitors and potential business counter-parties, they could use this non-public and confidential information to disadvantage Google in marketing, in negotiations, and competing strategic decision-making. I have identified and proposed the following specific limited redactions only as to those portions of the document that contains such

sensitive and confidential information leaving the remainder unredacted:

- GOOG-APPL-00114741 - 00114746: highlighted portions
- GOOG-APPL-00114749: highlighted portions
- GOOG-APPL-00114751 - 00114752: highlighted portions
- GOOG-APPL-00114759: highlighted portions
- GOOG-APPL-00114761 - 00114762: highlighted portions
- GOOG-APPL-00114764: highlighted portions
- GOOG-APPL-00114768: highlighted portions
- GOOG-APPL-00114771 - 00114776: highlighted portions
- GOOG-APPL-00114778: highlighted portions

**DX-4046  
(EXHIBIT F)**

12. This document contains information regarding Google's internal competitive assessments of future business strategies. If revealed to competitors and potential business counter-parties, they could use this non-public and confidential information to disadvantage Google in marketing, in negotiations, and competing strategic decision-making. I have identified and proposed the following specific limited redactions only as to those portions of the document that contains such sensitive and confidential information leaving the remainder unredacted:

- GOOG-APPL-00003389: highlighted portions
- GOOG-APPL-00003391 - 00003394: highlighted portions
- GOOG-APPL-00003398: highlighted portions
- GOOG-APPL-00003400: highlighted portions
- GOOG-APPL-00003406 - 00003407: highlighted portions
- GOOG-APPL-00003409: highlighted portions
- GOOG-APPL-00003411: highlighted portions

**DX-3452, DX-5326 (duplicate of DX-3452)  
(EXHIBIT G)**

13. These documents contain information regarding Google's internal financial projections and internal strategic projects for advancing business objectives. If revealed to competitors and potential business counter-parties, they could use this non-public and confidential information to disadvantage Google in marketing, in negotiations, and competing strategic decision-making. I have identified and proposed the following specific limited redactions only as to those portions of the documents that contain such sensitive and confidential information leaving the remainder unredacted:

- GOOG-APPL-00111792 - GOOG-APPL-00111793: highlighted portions
- GOOG-APPL-00111797 - GOOG-APPL-00111798: highlighted portions
- GOOG-APPL-00111811

**DX-3779  
(EXHIBIT H)**

14. This document contains information regarding Google's internal risk analyses, internal analyses of security and threat detection processes, current and future review processes, and internal funding decisions. If revealed to competitors and potential business counter-parties, they could use this non-public and confidential information to disadvantage Google in marketing, in negotiations, and competing strategic decision-making. Public disclosure could further enable malefactors to create or exploit security risks on consumer devices. I have identified and proposed the following specific limited redactions only as to those portions of the document that contains such sensitive and confidential information leaving the remainder unredacted:

- GOOG-APPL-00106362: highlighted portions
- GOOG-APPL-00106365 - 00106367: highlighted portions
- GOOG-APPL-00106369 - 00106374: highlighted portions
- GOOG-APPL-00106377: highlighted portions
- GOOG-APPL-00106380 - 00106388: highlighted portions
- GOOG-APPL-00106391: highlighted portions

- GOOG-APPL-00106393 - 00106394: highlighted portions
- GOOG-APPL-00106396 - 00106397: highlighted portions
- GOOG-APPL-00106399: highlighted portions
- GOOG-APPL-00106402: highlighted portions
- GOOG-APPL-00106405: highlighted portions
- GOOG-APPL-00106407: highlighted portions
- GOOG-APPL-00106409: highlighted portions
- GOOG-APPL-00106414 - 00106415: highlighted portions
- GOOG-APPL-00106422: highlighted portions
- GOOG-APPL-00106424 - 00106427: highlighted portions
- GOOG-APPL-00106429: highlighted portions
- GOOG-APPL-00106431: highlighted portions
- GOOG-APPL-00106433 - 00106434: highlighted portions
- GOOG-APPL-00106436 - 00106437: highlighted portions
- GOOG-APPL-00106439 - 00106440: highlighted portions
- GOOG-APPL-00106442 - 00106443: highlighted portions
- GOOG-APPL-00106445 - 00106450: highlighted portions

**DX-3798 and DX-4909 (duplicate of DX-3798)  
(EXHIBIT I)**

15. These documents contain internal Google Board presentations and information regarding Google's internal risk analyses, internal analyses of security and threat detection processes, and internal analyses of revenue and business opportunities. If revealed to competitors and potential business counter-parties, they could use this non-public and confidential information to disadvantage Google in marketing, in negotiations, and competing strategic decision-making. Public disclosure could further enable malefactors to create or exploit security risks on consumer devices. I have identified and proposed the following specific limited



redactions only as to those portions of the documents that contain such sensitive and confidential information leaving the remainder unredacted:

- GOOG-APPL-00113903 - 00113905: highlighted portions
- GOOG-APPL-00113907: highlighted portions
- GOOG-APPL-00113910: highlighted portions
- GOOG-APPL-00113912: highlighted portions
- GOOG-APPL-00113914: highlighted portions
- GOOG-APPL-00113916 - 00113918: highlighted portions
- GOOG-APPL-00113920 - 00113921: highlighted portions
- GOOG-APPL-00113924 - 00113925: highlighted portions
- GOOG-APPL-00113927: highlighted portions
- GOOG-APPL-00113929 - 00113930: highlighted portions
- GOOG-APPL-00113933 - 00113934: highlighted portions
- GOOG-APPL-00113937 - 00113943: highlighted portions
- GOOG-APPL-00113945 - 00113949: highlighted portions
- GOOG-APPL-00113951: highlighted portions
- GOOG-APPL-00113961: highlighted portions
- GOOG-APPL-00113964 - 00113965: highlighted portions
- GOOG-APPL-00113970 - 00113971: highlighted portions
- GOOG-APPL-00113973: highlighted portions
- GOOG-APPL-00113975 - 00113976: highlighted portions
- GOOG-APPL-00113980 - 00113982: highlighted portions
- GOOG-APPL-00113984: highlighted portions

**DX-3365  
(EXHIBIT J)**

16. This document contains non-public data on business revenues, including detailed non-public breakdowns of revenue based on internal classifications. If revealed to competitors

1 and potential business counter-parties, they could use this non-public and confidential  
 2 information to disadvantage Google in marketing and in negotiations. I have identified and  
 3 proposed the following specific redactions only as to those portions of the document that contains  
 4 such sensitive and confidential information leaving the remainder unredacted:

- 5 • GOOG-APPL-00099392: redaction in full

7 **DX-3584**  
 8 **(EXHIBIT K)**

9 17. This document contains non-public data on business revenues, including detailed  
 10 non-public breakdowns of revenue based on internal classifications. If revealed to competitors  
 11 and potential business counter-parties, they could use this non-public and confidential  
 12 information to disadvantage Google in marketing and in negotiations. I have identified and  
 13 proposed the following specific limited redactions only as to those portions of the document that  
 14 contains such sensitive and confidential information leaving the remainder unredacted:

- 15 • GOOG-APPL-00099394: redaction in full

16 **DX-3165**  
 17 **(EXHIBIT L)**

18 18. This document contains and reflects confidential Google surveys and analyses of  
 19 consumer information and preferences. If revealed to competitors, they could selectively cite to  
 20 the findings to disadvantage Google in marketing, and they could take advantage of the costly and  
 21 detailed internal Google analyses to tailor their own product design and marketing in ways that  
 22 further disadvantage Google. I have identified and proposed the following specific limited  
 23 redactions only as to those portions of the document that contains such sensitive and confidential  
 24 information leaving the remainder unredacted:

- 25 • GOOG-APPL-00003567 - GOOG-APPL-00003608: redaction in full

**DX-3250**  
**(EXHIBIT M)**

19. This document contains and reflects confidential Google surveys and analyses of consumer information and preferences. If revealed to competitors, they could selectively cite to the findings to disadvantage Google in marketing, and they could take advantage of the costly and detailed internal Google analyses to tailor their own product design and marketing in ways that further disadvantage Google. I have identified and proposed the following specific limited redactions only as to those portions of the document that contains such sensitive and confidential information leaving the remainder unredacted:

- GOOG-APPL-00042404 - GOOG-APPL-00042475: redaction in full

**DX-3598**  
**(EXHIBIT N)**

20. This document contains and reflects confidential Google surveys and analyses of consumer information and preferences. If revealed to competitors, they could selectively cite to the findings to disadvantage Google in marketing, and they could take advantage of the costly and detailed internal Google analyses to tailor their own product design and marketing in ways that further disadvantage Google. I have identified and proposed the following specific limited redactions only as to those portions of the document that contains such sensitive and confidential information leaving the remainder unredacted:

- GOOG-APPL-00003610 - GOOG-APPL-00003656: redaction in full

**DX-3942**  
**(EXHIBIT O)**

21. This document contains and reflects confidential Google surveys and analyses of consumer information and preferences. If revealed to competitors, they could selectively cite to the findings to disadvantage Google in marketing, and they could take advantage of the costly and detailed internal Google analyses to tailor their own product design and marketing in ways that further disadvantage Google. I have identified and proposed the following specific limited redactions only as to those portions of the document that contains such sensitive and confidential

1 information leaving the remainder unredacted:

- 2 • GOOG-APPL-00003414 - GOOG-APPL-00003454: redaction in full

3  
4 **DX-4001**  
**(EXHIBIT P)**

5 22. This document contains and reflects confidential Google surveys and analyses of  
6 consumer information and preferences. If revealed to competitors, they could selectively cite to  
7 the findings to disadvantage Google in marketing, and they could take advantage of the costly and  
8 detailed internal Google analyses to tailor their own product design and marketing in ways that  
9 further disadvantage Google. I have identified and proposed the following specific limited  
10 redactions only as to those portions of the document that contains such sensitive and confidential  
11 information leaving the remainder unredacted:

- 12 • GOOG-APPL-00003523 - GOOG-APPL-00003565: redaction in full

13  
14 **DX-4310**  
**(EXHIBIT Q)**

15 23. This document contains and reflects confidential Google surveys and analyses of  
16 consumer information and preferences. If revealed to competitors, they could selectively cite to  
17 the findings to disadvantage Google in marketing, and they could take advantage of the costly and  
18 detailed internal Google analyses to tailor their own product design and marketing in ways that  
19 further disadvantage Google. I have identified and proposed the following specific limited  
20 redactions only as to those portions of the document that contains such sensitive and confidential  
21 information leaving the remainder unredacted:

- 22 • GOOG-APPL-00003482 - GOOG-APPL-00003521: redaction in full

23  
24 **DX-4478**  
**(EXHIBIT R)**

25 24. This document contains information regarding Google's internal business  
26 operations and strategy plans. If revealed to competitors and potential business counter-parties,  
27 they could use this non-public and confidential information to disadvantage Google in marketing  
28

and in negotiations. I have identified and proposed the following specific limited redactions only as to those portions of the document that contains such sensitive and confidential information leaving the remainder unredacted:

- GOOG-APPL-00114922: highlighted portions
- GOOG-APPL-00114934: highlighted portions

**PX-0506  
(EXHIBIT S)**

25. This document, produced by Apple, contains non-public information regarding the revenues, profitability, and subscriber information from Google's YouTube applications on Apple devices. If revealed to competitors and potential business counter-parties, they could use this non-public and confidential information to disadvantage Google in marketing and in negotiations. I have identified and proposed the following specific limited redactions only as to those portions of the document that contains such sensitive and confidential information leaving the remainder unredacted:

- APL-APPSTORE\_02027040: highlighted portions
- APL-APPSTORE\_02027041: highlighted portions

26. To my knowledge, the confidential information discussed above is not publicly known, and Google recognizes and protects the enormous value of this information through its various policies and procedures designed to protect confidential information from disclosure.

I declare under penalty of perjury that the foregoing is true and correct and that I executed this declaration on April 27, 2021, in Aptos, California.

/s/ Andrew Rope  
Andrew Rope

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**ATTESTATION OF CONCURRENCE**

Pursuant to Local Civil Rule 5-1(i)(3), I, Asim Bhansali, attest that I obtained the concurrence of Andrew Rope in the filing of this document. I hereby attest that I have on file all holographic signatures corresponding to any signatures indicated by a conformed signature (/S/)within this e-filed document.

Dated: April 27, 2021

/s/ Asim Bhansali

Asim Bhansali